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Multi-stakeholder dialogue

Discussion paper contributed by the non-governmental organizations and indigenous peoples major group

Summary

The global forest crisis continues unabated despite more than 10 years of global forest policy dialogue in the Intergovernmental Panel on Forests (from 1995 to 1997), in the Intergovernmental Forum on Forests (from 1997 to 2000), in the United Nations Forum on Forests (from 2000 onward), and parallel discussions within the framework of legally binding instruments such as the Convention on Biodiversity, the Framework Convention on Climate Change and the International Tropical Timber Agreement. Much of the forest policy dialogue in these forums has been dominated either by a discussion of the need for an international, legally (or non-legally) binding instrument or by preparations to discuss the need for such an instrument (understanding/code), to the detriment of precise and committed government action to halt the crisis. Finally during the sixth session of the United Nations Forum on Forests, Governments agreed to develop a non-legally binding instrument and at the current session, the United Nations Forum on Forests may adopt this instrument and multi-year programme of work for the United Nations Forum on Forests and the non-legally binding instrument for 2007-2015.

A number of agreements already exist, which provide sufficient guidance on the steps required to halt the crisis, among others: the expanded work programme on forest biological diversity of the Convention on Biological Diversity, the Intergovernmental Panel on Forests/Intergovernmental Forum on Forests proposals for action, which Governments pledged to implement several years ago, the Rio Declaration on Environment and Development, the Non-legally Binding Authoritative Statement of Principles for a Global Consensus on the Management, Conservation and Sustainable Development of All Types of Forests, and chapter 11 of Agenda 21.

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Non-governmental organizations and indigenous peoples' organizations believe that it is necessary to ensure that immediate actions are taken to halt the alarming destruction of forests worldwide and that those actions:

I. Are consistent with international human rights;

II. Recognize, respect and support the implementation of the customary rights of indigenous peoples and local communities that live in and depend on forests;

III. Address the underlying causes of deforestation and forest degradation, including the need for the readjustment of financial flows and the reduction of consumption;

IV. Promote genuine community forest governance that empowers forest peoples.

Contents

		Paragraphs	*Page*
I.	Introduction	1–3	4
II.	Brief assessment of the implementation of relevant Intergovernmental Panel on Forests/Intergovernmental Forum on Forests proposals for action	4–9	4
III.	Priority areas for action	10–12	6
IV.	Recommendations and observations	13–14	6

I. Introduction

1. The present discussion paper has been prepared by a coalition of non-governmental organizations and indigenous peoples' organizations working together in the Global Forest Coalition (GFC). The Coalition (formerly known as the NGO Forest Working Group) was established in 1995 to bring the views of non-governmental organizations and indigenous peoples' organizations to the various international forest policy forums and negotiations. The Coalition also facilitates the informed participation of non-governmental organizations and indigenous peoples' organizations in these processes, including the Intergovernmental Panel on Forests, the Intergovernmental Forum on Forests, the United Nations Forum on Forests, the Convention on Biological Diversity, the United Nations Framework Convention on Climate Change and other relevant forest policy processes.

2. The global forest crisis continues unabated despite more than 10 years of global forest policy dialogue in the Intergovernmental Panel on Forests (from 1995 to 1997), in the Intergovernmental Forum on Forests (from 1997 to 2000), in the United Nations Forum on Forests (from 2000 onward), and parallel discussions within the framework of legally binding instruments like the Convention on Biodiversity, the Framework Convention on Climate Change and the International Tropical Timber Agreement. Much of the forest policy dialogue in those forums has been dominated either by a discussion of the need for an international, legally (or non-legally) binding instrument or by preparations to discuss the need for such instrument (understanding/code), to the detriment of precise and committed government action to halt the actual crisis happening to the world's forests and their peoples.

3. Governments are not much closer to implementing precise means to address the crisis than they were 12 years ago; and it remains unclear — the UNFF and its predecessors having failed to reverse the devastating trend — how such an instrument, the contents of which remain undefined, would be successful in addressing the issues that need to be tackled. Finally during the sixth session of the United Nations Forum on Forests, Governments agreed to develop a non-legally binding instrument and at the current session, it may adopt this instrument and multi-year programme of work for the United Nations Forum on Forests and the non-legally binding instrument for 2007-2015.

II. Brief assessment of the implementation of relevant Intergovernmental Panel on Forests/Intergovernmental Forum on Forests proposals for action

4. There are numerous Intergovernmental Panel on Forests/Intergovernmental Forum on Forests proposals for action relevant to non-governmental organizations and indigenous peoples' organizations involved in international forest policy negotiations, such as the ones dealing with underlying causes of deforestation and forest degradation, traditional forest-related knowledge, indigenous peoples' and local communities' rights, criteria and indicators for sustainable forest management, monitoring, assessment and reporting on implementation of policies and laws related to sustainable forest management, and trade in forest goods and services, to name but a few of the more important issues.

5. Environmental and social non-governmental organizations and indigenous peoples' organizations were actively involved in implementing some of these proposals for action. For example, during 1997 and 1998, together with the United Nations Environment Programme (UNEP), several Governments and many local communities, seven regional workshops on the issue of underlying causes of deforestation and forest degradation were organized. In January 1999, two global workshops on this issue were organized: one in Ecuador, exclusively devoted to indigenous peoples' views, and a global workshop involving all interested stakeholders in San José, Costa Rica. This process was set up to implement Intergovernmental Panel on Forests proposal for action 27 (c). As a follow-up to these regional and global events, 15 national workshops, to address the underlying causes of deforestation and forest degradation, were organized in all continents.

6. Further, non-governmental organizations and indigenous peoples' organizations contributed with a series of independent monitoring exercises, assessing the level of implementation of the Intergovernmental Panel on Forests proposals for action. The results of this exercise were condensed in the 1998 report entitled "Keeping the Promise" presented for consideration by the United Nations Forum on Forests.

7. Additionally, non-governmental organizations and indigenous peoples' organizations executed a similar independent monitoring process, focused on the implementation of the forest-related clauses of the Convention on Biological Diversity and presented at the sixth meeting of the Conference of the Parties to the Convention on Biological Diversity, in 2002. GFC also prepared a similar exercise to address the implementation of forest-related obligations under the United Nations Framework Convention on Climate Change and presented it at the eleventh session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, in Montreal in November 2005.

8. Non-governmental organizations believe that the involvement of non-governmental organizations and indigenous peoples' organizations in the implementation of some Intergovernmental Panel on Forests/Intergovernmental Forum on Forests proposals for action was constructive and encouraging, as those proposals undertaken with the involvement of non-governmental organizations and indigenous peoples' organizations were the only ones so far fully implemented at the global level.

9. Non-governmental organizations and indigenous peoples' organizations remain engaged in forums that offer participation opportunities and effective representation of civil society's views. However, there are serious constraints that hinder the desired modalities and ability of groups to participate and contribute substantially to those processes: inadequate financial provisions and restraining participation and accreditation rules within the realm of the Economic and Social Council, to name but a few, discourage many interested non-governmental organizations and indigenous peoples' organizations. Multi-stakeholder dialogues organized on the basis of modalities proposed by the secretariat of the United Nations Forum on Forests have been seen by non-governmental organizations, indigenous peoples' organizations and other major groups as a way to segregate the input provided by those stakeholders. The proposals emanating from the non-governmental organization and indigenous peoples' organization perspective encompassed a more dynamic set-up for dialogue which included at its core an attempt to report and

debate issues related to implementation rather than the endless monologues in which the Forum had engaged owing to lack of reporting commitments. Moreover, the results of those dialogues were never included in the Secretary-General's reports. Most non-governmental organizations and indigenous peoples' organizations involved in the international forest policy debate think that multi-stakeholder dialogues are inappropriate vehicles through which to channel civil society's views. Unless radical changes occur which effectively implement the proposals and views of major groups, the organization of these events is discouraged.

III. Priority areas for action

10. The main constraints blocking effective action are undoubtedly the overwhelming superiority of vested interests controlling forest resources and the equally grave lack of political will manifest in governmental attitudes towards forest conservation and sustainable use, and an increasing trend to rely on the market to provide solutions when in fact that is where many of the problems originate. The solution to the forest crisis should start with the implementation of existing commitments. In the past, non-governmental organizations and indigenous peoples' organizations had expressed their fears that the negotiation of a forest convention could easily mean another lost decade without decisive action to stop and reverse forest loss. A new non-legally binding instrument will not contribute anything to the current situation unless it explicitly addresses the following underlying causes of forest loss: lack of recognition of indigenous peoples' rights, unsustainable consumption and production patterns and unsustainable financial and timber trade flows.

11. Non-governmental organizations and indigenous peoples' organizations are also deeply concerned about the lack of action by key actors, including Governments, intergovernmental organizations, and the private sector, among others, to curb the alarming rate of deforestation and forest degradation currently occurring. In addition to the need for emphasis on deforestation and forest degradation, another key area of concern for the sector is the lack of recognition of indigenous peoples and local communities that live in and depend on forests. Without the full recognition of these rights and the implementation of corrective measures at all levels, any attempt to achieve sustainable forest management would be futile.

12. Thus, the only proposals for action that would receive any support from most of the major groups are those directly devised to solve these issues.

IV. Recommendations and observations

13. **Non-governmental organizations and indigenous peoples' organizations believe that it is necessary to ensure that immediate actions to solve the alarming destruction of forests worldwide are taken and that those actions:**

- **Are consistent with international human rights**
- **Recognize, respect and support the implementation of the customary rights of indigenous peoples and local communities that live in and depend on forests**

- **Address the underlying causes of deforestation and forest degradation, including the need for readjustment of financial flows and the reduction of consumption**
- **Promote genuine community forest governance that empowers forest peoples.**

14. **In addition, the following observations about the proposed non-legally binding instrument should be taken into consideration:**

- **The instrument is an instrument that is far removed from the forest principles and from Agenda 21**
- **The instrument is ambiguous and weak regarding the rights of forest-dependent people**
- **The instrument lost its strength, especially during the experts meeting because the experts started to negotiate the text instead of contributing to improve and strengthen it technically and scientifically. For example, the text totally ignores forest-related traditional knowledge**
- **The World Summit on Sustainable Development reaffirms that indigenous peoples have a vital role to play in sustainable development. However, the instrument does not even mention that in its preamble; at the very least that recognition should be given to indigenous peoples**
- **There are concerns that the instrument overly stresses the rights of unspecified others and discusses other stakeholders without identifying them, while Agenda 21 clearly identifies who the major groups are**
- **The ambiguity of the instrument derives from Governments stating that they agree with the major groups but only in accordance with national legislation and only where there is no conflict with this legislation**
- **The instrument is based on the commercial aspects of forests but indigenous peoples are asking where the cultural and spiritual aspect is that is very important for the indigenous and local communities**
- **The instrument does not take seriously benefit sharing in relation to forest-dependent communities**
- **The instrument promotes the new landholders and invaders of indigenous lands by establishing a financial mechanism for small holders and land users only**
- **The instrument does not establish a financial mechanism that is accessible to indigenous and local communities.**